

46 Am. Jur. 2d Judges § 124

American Jurisprudence, Second Edition | February 2022 Update

Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

4. Bias or Prejudice as Grounds for Disqualification

a. Bias or Prejudice as Grounds for Disqualification, in General

§ 124. Definitions of "bias" and "prejudice" with reference to disqualification of judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  49(1), 49(2)

The term "bias or prejudice," when used in reference to a judge before whom a case is pending, implies a hostile feeling or spirit of ill will on the one hand or undue friendship or favoritism on the other toward one of the litigants or his or her attorney, with a formation of a fixed anticipatory judgment on the part of a judge, as distinguished from an open state of mind which will be governed by the law and the facts.¹

"Prejudice" involves a prejudgment or forming of an opinion without sufficient knowledge or examination. "Bias" is a leaning of the mind or an inclination toward one person or another. In construing the words "bias or prejudice," it has been said that such conditions must exist which reflect prejudgment of the case by the judge or a leaning of his or her mind in favor of one party to the extent that his or her decision in the matter is based on grounds other than the evidence placed before him or her.²

© 2022 Thomson Reuters. 33-34B © 2022 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

- ¹ [State v. Hill](#), 174 Ariz. 313, 848 P.2d 1375 (1993); [People v. Andricopulos](#), 162 Ill. App. 3d 899, 114 Ill. Dec. 147, 516 N.E.2d 302 (1st Dist. 1987); [State v. Jackson](#), 149 Ohio St. 3d 55, 2016-Ohio-5488, 73 N.E.3d 414 (2016), cert. denied, 137 S. Ct. 1586, 197 L. Ed. 2d 714 (2017) (definition of "judicial bias").
- ² [TZ Land & Cattle Co. v. Conduct](#), 795 P.2d 1204 (Wyo. 1990).

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.